

**UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT**

**Form 7. Mediation Questionnaire**

*Instructions for this form: <https://www.ca9.uscourts.gov/forms/form7instructions.pdf>*

**9th Cir. Case Number(s)** 22-56013

**Case Name** John Eastman v. Bennie Thompson, et al.

**Counsel submitting this form** Anthony T. Caso

**Represented party/parties** Plaintiff-appellant, John Eastman

*Briefly describe the dispute that gave rise to this lawsuit.*

Appellant filed a motion to enjoin a subpoena from a congressional committee to his former employer which sought materials protected by attorney client and constitutional privileges.

*Briefly describe the result below and the main issues on appeal.*

The district court held that certain materials for which Appellant claimed privilege were either not privileged or subject to an exception. Appellant has filed a motion requesting this Court to dismiss the appeal as moot and remand to the district court with instructions to vacate its order.

*Describe any proceedings remaining below or any related proceedings in other tribunals.*

There are no proceedings currently underway in the district court.

**Signature**  **Date**   
(use "s/[typed name]" to sign electronically-filed documents)

UNITED STATES COURT OF APPEALS  
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SANDRA DAY O'CONNOR U.S. COURTHOUSE  
401 W. WASHINGTON STREET, SPC 53  
PHOENIX, ARIZONA 85003-2154

CHAMBERS OF  
**MARY H. MURGUIA**  
CHIEF JUDGE

TEL: 602.322.7580

FAX: 602.322.7589

Dear Counsel,

I write to introduce you to the court's mediation program. The court offers you and your clients professional mediation services, at no cost, to help resolve disputes quickly and efficiently and to explore the development of more satisfactory results than can be achieved from continued litigation. Each year the mediators facilitate the resolution of hundreds of cases, from the most basic contract and tort actions to the most complex cases involving multiple parties, numerous pieces of litigation and important issues of public policy.

The eight circuit mediators, all of whom work exclusively for the court, are highly experienced attorneys from a variety of practices; all have extensive training and experience in negotiation, appellate mediation, and Ninth Circuit practice and procedure. Although the mediators are court employees, the court has adopted strict confidentiality rules and practices to ensure that what goes on in mediation stays in mediation. See Circuit Rule 33-1.

The first step in the mediation process is case selection. To assist the mediators in the case selection process, appellants/petitioners must file a completed Mediation Questionnaire within 7 days of the docketing of the case. See Circuit Rules 3-4, and 15-2. Appellees may also fill out and file a questionnaire. The questionnaire with filing instructions is available [here](#). Once the Mediation Questionnaire is submitted, the parties will receive via NDA a link to a separate form that will allow them to submit confidential information directly to the Circuit Mediators. Counsel may also submit confidential information at any time to [ca09\\_mediation@ca9.uscourts.gov](mailto:ca09_mediation@ca9.uscourts.gov).

In most cases, the mediator will schedule a settlement assessment conference, with counsel only, to determine whether the case is suitable for mediation. Be assured that participation in the mediation program will not slow down disposition of your appeal. Mediation discussions are not limited to the issues on appeal. The discussions can involve other cases and may include individuals who are not parties to the litigation, if doing so enables the parties to reach a global settlement.

Further information about the mediation program may be found on the court's website: [www.ca9.uscourts.gov/mediation/](http://www.ca9.uscourts.gov/mediation/). Please address questions directly to the Mediation Program at 415-355-7900 or [ca09\\_mediation@ca9.uscourts.gov](mailto:ca09_mediation@ca9.uscourts.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Mary H. Murguia", with a stylized flourish at the end.

Mary H. Murguia